

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO, LTD, *et*
al.

Defendants.

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CIVIL ACTION NO. 2:22-CV-00293-JRG

ORDER

Before the Court is the Opposed Motion for Continuance (the “Motion”) filed by Defendants Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; and Samsung Semiconductor, Inc. (“Samsung”). (Dkt. No. 712.) In the Motion, Samsung moves for a continuance of both the July 23, 2024 pretrial conference and the August 19, 2024 trial date set by the Court. (*Id.*) Samsung requests a continuance of these dates based on conflicts of its lead trial counsel. (*Id.*)

The Court recognizes the importance of having lead counsel participate in both the pretrial conference and trial given the scope and complexity of the case. However, the Court is not persuaded that it should impose multiple lengthy continuances given that this case has already been continued for more than four months from its original setting in April 15, 2024. The Court finds that a modest adjustment of the schedule is appropriate to accommodate the schedules of the parties’ lead counsel.

On July 1, 2024, the Court held a telephonic hearing with lead and local counsel for both parties to discuss the parties’ availability for a pretrial conference and trial in this case. The Court proposed resetting the pretrial conference for Friday, August 23, 2024 and Monday, August 26,

2024, and the Court proposed resetting the trial to begin Monday, September 9, 2024. Counsel for both parties indicated that there were no conflicts with the Court's proposed date for the pretrial conference. Counsel for Samsung indicated that the trial setting posed a potential conflict with its primary technical expert, Mr. Joseph McAlexander, who was scheduled to testify in another case in the District of Delaware, *Oasis Tooling, Inc. v. Siemens Indust. Software, Inc.*, Civil Action No. 1-22-cv-151-CJB (the "Delaware Case"). Since the telephonic, the court in the Delaware Case issued an order finding all of the asserted patents therein ineligible under 35 U.S.C. § 101, and that case is no longer expected to go to trial on September 9. Accordingly, given the parties' representations, there are no existing conflicts with the Court's proposed dates for the pretrial conference and trial.

The Court finds that Samsung's Motion (Dkt. No. 712) should be and hereby is **GRANTED AS MODIFIED**. Accordingly, it is **ORDERED** that the pretrial conference in the above-captioned case is reset for **Friday, August 23, 2024 at 9:00 AM** and **Monday, August 26, 2024 at 9:00 AM**. It is further **ORDERED** that the trial in the above-captioned case is specially set to begin with jury selection **Monday, September 9, 2024 at 9:00 AM**. The Court intends that this case go first in the order of trials for the trial term beginning September 9, 2024. Except as expressly granted herein, all other dates in the Court's Seventh Amended Docket Control Order remain in effect.

So Ordered this

Jul 4, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE